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Attorney Docket No.: K&W 345-WCG
WW5559US

#10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Holger Eggers et al.

Serial No. : 09/807,251

Filed : May 31, 2001

For : FLEXIBLE FILM PROVIDED WITH A FINE
SPHERULITIC POLYAMIDE LAYER CONTAINING
NANOSCALER, ANISOTROPIC NUCLEATING
AGENTS.

Art Unit : 1773

Examiner : Kevin R. Kruer

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March 27, 2003

Honorable Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir,

In response to the Restriction Requirement dated 03/06/2003, Applicants elect the invention of Group I, claims 1-6, drawn to a film comprising substantially spherulitically crystallized polyamide containing solid, anisotropic, nucleating agents, with traverse.

The Examiner has imposed a restriction requirement between claims 1-6, drawn to a film and claims 7-9 drawn to methods of making and using the film.

Reconsideration and withdrawal of the restriction requirement is respectfully requested. Any search of the film itself is certain to include a search of the processes for making and using it, and any search of the processes would also turn up the film. Accordingly, no additional burden would be placed on the Patent Office in searching both groups together. By contrast, a very great burden will be placed on Applicants if this restriction requirement is maintained. Applicants will be subjected to twice the cost and effort in prosecuting two patent applications for an invention that should have been included in one, and will also be subjected to the continuing expense of maintaining two separate patents, whereas only one should be required to cover the full invention.

In addition, an additional burden will be placed on the public, in that the full scope of Applicants' invention will not be ascertainable from a single patent, and the public will have to find and study two separate patents to ascertain the full scope of Applicants' exclusive rights.

The great additional burden that will be placed on Applicants and the public in maintaining the restriction requirement is far greater than the slight, if any, inconvenience that will be placed on the Patent Office in withdrawing the Restriction Requirement.

Furthermore, the two groups ***do, in fact, share a general inventive concept under PCT Rule 13.1.***

The methods of making the film concerns the preparation of a film having at least one layer of substantially spherulitically crystallized polyamide containing anisotropic nucleating fillers; and the use of the film specifically recites the film of Claim 1. The inventive concept is therefore shared by all the claims, and the restriction requirement should be withdrawn.

In the event that the Examiner does not find it possible to withdraw the Restriction Requirement, it is respectfully requested that the non-elected subject matter be rejoined with the elected subject matter upon allowance of elected subject matter.

CONDITIONAL PETITION FOR EXTENSION OF TIME

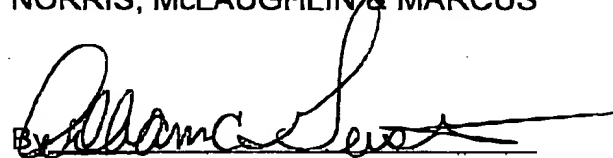
If any extension of time for this response is required, applicant requests that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

Respectfully submitted

NORRIS, McLAUGHLIN & MARCUS



William C. Gerstenzang
R g. No. 27,552

WCG/tmo

220 East 42nd Street
30th Floor
New York, New York 10017
(212) 808-0700

I hereby certify that this correspondence is being
transmitted via facsimile addressed to Hon. Commissioner
for Patents, Washington, D.C. 20231 on March 27, 2003.

NORRIS, McLAUGHLIN & MARCUS, P.A.

By: 

Date: March 27, 2003

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NORRIS MCLAUGHLIN & MARCUS, P.A.

220 East 42nd Street

30th Floor

New York, New York 10017

Tel.: (212) 808-0700

Fax.: (212) 808-0844

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Date: March 27, 2003

To: Examiner Kevin R. Kruer
US Patent and Trademark Office
Tel. No. 703-305-0025
Fax: 703-305-5408

Subject: USSN 09/807,251
Our Ref.: K&W-345-WCG

From: William C. Gerstenzang

Comments: Filing of: response to Office Action dated March 6, 2003, including Response to Restriction Requirement (pgs. 4)

If you have any questions or need further information, please contact us.

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